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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,369	05/25/2001	Leonard S. Hand	6169-201	3721

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EXAMINER	
ZHOU, TING	
ART UNIT	**PAPER NUMBER**
2173	5

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,369	Applicant(s) HAND ET AL.	
	Examiner Ting Zhou	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9,12-16,19-24,27-32 and 34-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 8-9, 16, 23-34, 32 and 34-37* is/are rejected.

7)☒ Claim(s) *4-7,12-15,19-22,27-31 and 38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 13 February 2004 have been received and entered. Claims 1-38 as amended are pending in the application. Of the above claims, claims 2-3, 10-11, 17-18, 25-26 and 33 have been cancelled by the applicant and therefore, withdrawn from consideration. Claims 34-38 have been added by the applicant.

2. It is noted that on page 10 of the Amendment, applicant asserts that claim 9 has been amended to incorporate the limitations previously specified within dependent claims 10 and 11. As such, the added limitation in claim 9 should recite "wherein said probing and reporting step occurs in a first agent, and wherein the repeating step occurs in a second agent", instead of "wherein said reporting step occurs in a first agent, and wherein the repeating step occurs in a second agent", as it is currently claimed.

Allowable Subject Matter

3. Claims 4-7, 12-15, 19-22, 27-31 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8-9, 16, 23-24, 32 and 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Chari et al. U.S. Patent 6,046,742.

Referring to claims 1, 9, 16 and 24, Chari et al. teach a method and machine readable storage comprising probing a content delivery network for determined and undetermined metric values (parameters) characterizing the performance of the CDN component (the parameters represent components of a computer network), reporting those metric values to a graphical display interface (displaying information regarding the network components) (column 4, lines 42-47) and repeating the probing and reporting steps for undetermined metric values (multiple SNMP agents determine information regarding the components; therefore, the probing and reporting of components are repeated for each SNMP agent, since there can be a plurality of SNMP agents) (column 6, lines 62-67, column 7, lines 1-25 and column 13, lines 24-37), wherein the probing and reporting step occurs in a first agent and wherein the repeating step occurs in a second agent (the first and second SNMP agents, among a plurality of SNMP agents, where the first agent probes and reports the component information, and the second SNMP agent repeats these steps to also probe and report component information related to its server) (column 6, lines 62-67, column 7, lines 1-25 and column 13, lines 24-37).

Referring to claims 8 and 23, Chari et al. teach the displayed metric is at least one selected from the group consisting of a CPU load, network capacity, run queue size, connections,

memory usage, page ins, and disk I/O (components include disk drive or memory) (column 2, lines 9-14 and lines 41-45).

Referring to claim 32, Chari et al. teach a system comprising a graphical display map for displaying a plurality of nodes and visual representations of reported metric values for characterizing components (as shown by they display in Figure 17), the nodes representing the components (the components of the system, such as "CPU SUBSYSTEM", "COOLING SUBSYSTEM", etc. , are displayed on the display map shown in Figure 17), wherein individual ones of the nodes include a plurality of visual representations (as shown in Figure 18, where the "FANS" node includes a plurality of visual representations, shown by "FAN NUMBER 1" – "FAN NUMBER 6"), a plurality of the components distributed across a heterogeneous network, and a plurality of agents (SNMP software agents) configured to probe the components for component metric values, determining the reported metric value based upon the component metric values and conveying the reported metric values to the graphical display map (column 6, lines 62-67, column 7, lines 1-25, column 13, lines 24-37 and column 19, lines 46-56).

Referring to claim 34, Chari et al. teach each of the agents being a platform-independent software object (column 2, lines 3-14).

Referring to claim 35, Chari et al. teach the agents distributed across the heterogeneous network (column 2, lines 3-14).

Referring to claim 36, Chari et al. teach at least one of the nodes including a plurality of visual representations for that node, as shown in Figure 18, where the "FANS" node includes a plurality of visual representations, shown by "FAN NUMBER 1" – "FAN NUMBER 6".

Referring to claim 37, Chari et al. teach the plurality of visual representations for the node are based upon reported metric values conveyed to the node from a plurality of different agents, as shown in Figure 19, where each of the representations of the "FANS" node, i.e., FAN NUMBERS 1-6, have parameters, or values, associated with them, as shown by the values associated with "FAN NUMBER 1" on the right side of the figure.

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar graphical representations of parameters representing network components.

Response to Arguments

6. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Specifically, the Chari et al. reference teaches a method for displaying information (metrics) about hardware and software components in a computer network. The network can contain many servers connected to the network, and each network is represented by a SNMP agent, which is a software agent, that acts as an intermediary between the server components and the network (column 6, lines 62-67 and column 7, lines 1-25). The SNMP agent receives requests for data from the SNMP manager, retrieves the corresponding data, and displays it on

the display map (column 13, lines 24-37). The data could be one of the plurality of operational parameters about different components in the network (column 19, lines 47-52).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703)305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 11, 2004

JOHN CABECA
SUPERVISORY PATENT EXAMINER
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